



December 10, 2018

Parks Canada

Submitted by email to [pc.wbnpwhs-pnwbspn.pc@canada.ca](mailto:pc.wbnpwhs-pnwbspn.pc@canada.ca)

**Re: Wood Buffalo National Park Draft Action Plan**

For nearly a decade, Sierra Club BC has raised concerns about the negative downstream environmental and cultural impacts of the Site C dam. Having reviewed Parks Canada's *Draft Action Plan to protect the World Heritage Values of Wood Buffalo National Park*, Sierra Club BC offers these comments.

In 2013, our increasing concern about the impacts of the proposed Site C dam—not just in British Columbia, but along the entire Peace-Athabasca watershed—led us to seek a legal review of available international remedies. Based on the legal review compiled by the University of Victoria Environmental Law Centre, Sierra Club BC prepared a draft briefing recommending a petition to the UNESCO World Heritage Committee (WHC). In 2015, The Mikisew Cree First Nation, using this draft as the basis for their formal submission, successfully petitioned the UNESCO World Heritage Committee requesting the State Party of Canada to invite a joint World Heritage Centre/IUCN reactive monitoring mission to assess the state of conservation of the property and potential threats to its Outstanding Universal Value (OUV). This submission and associated process led to the Reactive Monitoring Mission (RMM) being invited to visit Canada in the fall of 2016.

In 2017, the WHC made 17 recommendations to Canada on actions to be taken in order to adequately protect Wood Buffalo National Park and its status as a World Heritage Site.

Recommendation 3 calls on Canada to “enable informed decision-making, conduct environmental flows assessments to the highest international standards for the Peace, Athabasca and Slave Rivers as they pertain to the health of the Peace-Athabasca Delta (PAD)...”

Recommendation 4 unambiguously calls on Canada to “conduct, in line with the IUCN World Heritage Advice Note on Environmental Assessment, an environmental and social impact assessment of the Site C project...”

In its draft action plan, Parks Canada states that these assessments were not called for by the Joint Review Panel (JRP) report on Site C, and therefore do not need to be done, despite the report having been issued three years prior to the issuance of the WHC’s recommendations.

According to the draft plan, “Following its assessment, the Joint Review Panel concluded that ‘there would be no effects from the Project on any aspect of the environment in the Peace Athabasca Delta’ (JRP Report, page 42), a conclusion that was not supported by many of WBNP’s Indigenous partners.”

The WHC made its recommendations with the full knowledge of the JRP report’s findings. Sierra Club BC agrees with the WHC that the Site C dam project must be fully assessed with regard to downstream impacts in the Peace-Athabasca Delta.

Recommendation 5 asks Canada to “conduct an environmental and social impact assessment of the proposed Teck Frontier oil sands mine project in line with the IUCN World Heritage Advice Note on Environmental Assessment, fully taking into account the Outstanding Universal Value of the property, including the Peace-Athabasca Delta.”

Parks Canada points to the current JRP assessment of the Teck Frontier Mine, stating that it fulfills the recommendation and commits to sending the JRP report to the WHC. Sierra Club BC does not feel the JRP assessment adequately fulfills the recommendation for assessment of Teck Frontier, particularly in respect to Treaty 8 rights.

Treaty 8 emphasizes the rights of Indigenous peoples to hunt, fish and trap as formerly. Cumulative impacts today in Treaty 8 territory are threatening those rights. Many people in Treaty 8 Indigenous communities have suggested they feel the situation is at a breaking point.

*“Elders and land users give me daily reports of continuing damage to our lands and water,” says Blueberry River First Nations Chief Marvin Yahey. “Development has extinguished our traditional way of life on wide areas of our land.” (Marketwired, 2016)*

Cumulative impacts are the focus of the Blueberry First Nation’s court case, currently in mediation. The case argues that, given the Treaty rights of Indigenous peoples to hunt, trap, and fish as formerly, there is a corresponding obligation of the Crown to manage cumulative impacts (or preferably co-manage in a nation-to-nation relationship) such that it remains possible for Indigenous peoples to continue exercising their Treaty rights. It is the responsibility of Crown processes and institutions like Parks Canada and the Canadian Environmental Assessment Association to uphold the spirit and letter of Treaty 8. Parks Canada must make

sure any assessment done takes into account the cumulative impacts on the integrity of Wood Buffalo National Park, in light of its responsibilities to Treaty 8 as a Crown institution.

While it is an energy regulator's responsibility to determine if a private sector endeavor is in the public interest, it is Parks Canada's responsibility to uphold public assets and the interests of Canadian heritage features such as Wood Buffalo National Park. Parks Canada has the expertise and capacity to assess the inevitable cumulative impacts of the Site C dam, the Teck Frontier Mine proposal and other pressures on the ecological integrity, water quality, ecosystem functions, conservation and cultural values the park was meant to protect, and it must take the proper steps to assess and address those impacts.

The omission of a full response to the WHC's recommendations renders this draft action plan inadequate. Sierra Club BC urges Parks Canada to undertake a full assessment of the downstream impacts of the Site C dam on the Peace-Athabasca Delta and watershed and to ensure that a cumulative impacts assessment of Wood Buffalo National Park is done. Until these actions are taken, we submit that the duty to protect Wood Buffalo National Park and its status as a World Heritage Site are incomplete.